

1 DENNIS A. BARLOW, CITY ATTORNEY  
State Bar No. 63849  
2 CAROL A. HUMISTON, SR. ASST. CITY ATTY  
State Bar No. 115592  
3 275 East Olive Avenue  
P. O. Box 6459  
4 Burbank, CA 91510  
Tel: 818-238-5707 Fax: 818-238-5724

5 Kristin A. Pelletier, (SBN 155378)  
6 E-mail: [kpelletier@bwslaw.com](mailto:kpelletier@bwslaw.com)  
Robert J. Tyson (SBN 187311)  
7 E-mail: [rtyson@bwslaw.com](mailto:rtyson@bwslaw.com)  
BURKE, WILLIAMS & SORENSSEN, LLP  
8 444 South Flower Street, Suite 2400  
Los Angeles, CA 90071-2953  
9 Tel: 213.236.0600 Fax: 213.236.2700

10 Attorneys for Defendant  
11 City of Burbank

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF LOS ANGELES  
14

15 CHRISTOPHER LEE DUNN,

16 Plaintiff,

17 v.

18 BURBANK POLICE DEPARTMENT,  
CITY OF BURBANK, and DOES 1  
19 Through 100, Inclusive,

20 Defendants.  
21  
22  
23  
24  
25  
26  
27  
28

FILING FEE EXEMPT PURSUANT TO  
GOVERNMENT CODE § 6103

**ORIGINAL FILED**

MAY 14 2010

**LOS ANGELES  
SUPERIOR COURT**

CITY ATTORNEY  
2010 MAY 18 PM 5:51

Case No. BC 417928

**DECLARATION OF ROBERT J. TYSON  
IN SUPPORT OF THE CITY OF  
BURBANK'S EX PARTE APPLICATION  
TO PLACE MSJ DECLARATIONS AND  
EXHIBITS THERETO UNDER SEAL**

[FILED CONCURRENTLY WITH: EX  
PARTE APPLICATION TO PLACE MSJ  
DECLARATIONS AND EXHIBITS  
THERETO UNDER SEAL; and [PROPOSED]  
ORDER THEREON]

Ex Parte Date: May 14, 2010  
Time: 8:30 a.m.  
Dept. 31

MSJ Date: July 26, 2010  
Time: 8:30 a.m.  
Dept. 31

**DECLARATION OF ROBERT J. TYSON**

I, Robert J. Tyson, declare as follows:

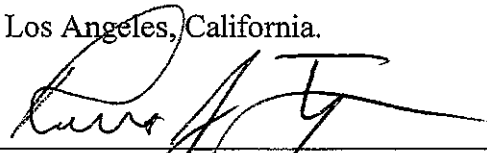
1. I am an attorney authorized to practice before this Court, a partner with the law firm of Burke, Williams & Sorensen, LLP, and one of the attorneys of record for defendant the City of Burbank in this case. As such, unless otherwise stated, the following statements are of my own personal knowledge, and if called as a witness, I could and would competently testify thereto.

2. This declaration is made in support of the City's ex parte application for a an order that certain evidentiary declarations, and the respective exhibits thereto, concurrently lodged in support of the City's motion for summary judgment, be placed under seal. Good cause exists for the order sought because the submitted declarations and exhibits thereto contain information from confidential peace officer personnel records protected by California *Penal Code* § 832.7, information concerning confidential informants protected by California *Evidence Code* § 1041(a), and other confidential information concerning law enforcement activities and the contents and functioning of law enforcement databases.

3. Solomon Gresen of the Law Offices of Rheuban & Gresen is a counsel of record for plaintiff Christopher Dunn. His pleadings list his business address as 15910 Ventura Boulevard, Suite 1610, Encino California 91436; Telephone (818) 815-2727; Facsimile (818) 815-2737. I gave notice of this ex parte application by letter faxed to plaintiff's counsel Mr. Gresen at approximately 1:43 p.m. on Wednesday, May 12, 2010. A true and correct copy of that letter with the fax confirmation page is attached hereto as Exhibit A. As of the time I make this declaration on Wednesday, May 12, 2010, Mr. Gresen has not responded to my letter.

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct.

Executed this 12th day of May, 2010, at Los Angeles, California.

  
\_\_\_\_\_  
Robert J. Tyson

LA #4841-2847-1302 v1



May 12, 2010

**VIA FACSIMILE AND REGULAR MAIL**

Solomon E. Gresen, Esq.  
Law Offices of Rheuban & Gresen  
15910 Ventura Boulevard, Suite 1610  
Encino, CA 91436


Re: Dunn v. City of Burbank

Dear Mr. Gresen:

Please be advised that the City of Burbank intends to move ex parte for an order that certain evidentiary declarations, and the respective exhibits thereto, which are being lodged today in support of the City's motion for summary judgment, be placed under seal. The basis for the application is that the declarations and exhibits thereto contain information from confidential peace officer personnel records protected by California *Penal Code* § 832.7, information concerning confidential informants protected by California *Evidence Code* § 1041(a), and other confidential information concerning law enforcement activities and the contents and functioning of law enforcement databases.

The City's ex parte application will be heard on May 14, 2010 at 8:30 a.m. in Department 31 of the Los Angeles Superior Court.

Sincerely,



Robert J. Tyson

RJT:

\*\*\*\*\*  
\*\*\* TX REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO	4332
RECIPIENT ADDRESS	18188152737
DESTINATION ID	
ST. TIME	05/12 13:43
TIME USE	00'29
PAGES SENT	2
RESULT	OK



444 South Flower Street - Suite 2400  
Los Angeles, California 90071-2953  
voice 213.236.0600 - fax 213.236.2700  
www.bwslaw.com

## FACSIMILE MESSAGE

DATE: May 12, 2010

FILE No.: 06147-0014

TO:

Solomon E. Gresen, Esq.  
Law offices of Rheuban & Gresen

FAX No.:

(818) 815-2737

PHONE No.:

(818) 815-2727

FROM: Robert J. Tyson, Esq.

PHONE No.: 213.236.2834

RE: Dunn v. City of Burbank, et al.

NUMBER OF PAGES WITH COVER PAGE: 2

---

MESSAGE:



444 South Flower Street - Suite 2400  
Los Angeles, California 90071-2953  
voice 213.236.0600 - fax 213.236.2700  
www.bwslaw.com

## FACSIMILE MESSAGE

DATE: May 12, 2010

FILE No.: 06147-0014

TO:

FAX No.:

PHONE No.:

Solomon E. Gresen, Esq.  
Law offices of Rheuban & Gresen

(818) 815-2737

(818) 815-2727

FROM: Robert J. Tyson, Esq.

PHONE No.: 213.236.2834

RE: Dunn v. City of Burbank, et al.

NUMBER OF PAGES WITH COVER PAGE: 2

---

### MESSAGE:

DATE SENT: \_\_\_\_\_ TIME SENT: \_\_\_\_\_ INITIALS: \_\_\_\_\_

*The information contained in this facsimile message is intended only for the CONFIDENTIAL use of the designated addressee named above. The information transmitted is subject to the attorney-client privilege and/or represents confidential attorney work product. If you are not the designated addressee named above or the authorized agent responsible for delivering it to the designated addressee, you received this document through inadvertent error and any further review, dissemination, distribution or copying of this communication by you or anyone else is strictly prohibited. IF YOU RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONING THE SENDER NAMED ABOVE AT 213.236.0600 AND RETURN THE ORIGINAL OF THIS COMMUNICATION TO US BY MAIL AT THE ABOVE ADDRESS. Thank you.*

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

**DECLARATION OF ROBERT J. TYSON IN SUPPORT OF THE CITY OF  
BURBANK'S EX PARTE APPLICATION TO PLACE MSJ DECLARATIONS AND  
EXHIBITS THERETO UNDER SEAL**

Solomon E. Gresen, Esq.  
Law Offices of Rheuban & Gresen  
15910 Ventura Boulevard, Suite 1610  
Encino, CA 91436

Executed on May 12, 2010, at Los Angeles, California.

Los Angeles, California.